THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24640 OF 2005

Date:18.11.2005

Between:

Tammireddi Danakarna

… Petitioners

AND

The Mandal Revenue Officer, Pentapadu Mandal.

… Respondent

ORDER:

The petitioner was appointed as a fair price shop dealer for Shop No.2 of Prathipadu village of Pentapadu Mandal, West Godavari District. The respondent herein passed an order, dated 01.11.2005, suspending the dealership of the petitioner, subject to ratification by the Revenue Divisional officer. It was alleged that the petitioner is employed as an office boy in a private school and that the villagers have caught about 200 liters of kerosene when it was being transported illegally from the shop of the petitioner. The petitioner challenges the same.

The learned counsel for the petitioner contends that the appointing authority for the dealers of fair price shops is the Revenue Divisional Officer and the respondent has no jurisdiction to suspend the dealership of the petitioner or to otherwise deal with the orders of appointment. He contends that the respondent had invoked certain non-existent and frivolous grounds with a view to justify his otherwise illegal action.

The learned Government Pleader for Civil Supplies, on the other hand, submits that the respondent has taken action against the petitioner, in anticipation of the approval

by the Revenue Divisional Officer, and no exception can be taken to the same.

The short question that falls for consideration in this writ petition is as to whether it was competent for the respondent to suspend the authorization of the petitioner. It is not in dispute that the appointing authority for the dealers of fair price shops is the Revenue Divisional officer. The Mandal Revenue Officer does not figure any where in the scheme. If the respondent noticed any irregularities on the part of the petitioner, he ought to have simply complained the matter to the Revenue Divisional Officer and left the matter there. Instead, he assumed to himself the power to suspend the authorization. The same cannot be sustained in law.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside. It is, however, made clear that it shall be open to the Revenue Divisional Officer to take appropriate action in accordance with law.

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18.11.2005

Note: Issue C.C. by Monday.

(B/o)

kdl